

Congress of the United States

Washington, DC 20510

May 5, 2022

Attorney General Merrick Garland
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Director Christopher A. Wray
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland and Director Wray:

We write to request that the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) make efforts to re-prioritize and counter an alarming rise in organized retail crime (ORC) across the nation. Additional resources should be allocated to help state and local law enforcement agencies fight back against ORC; and further promote FBI's ORC-related task forces.

ORC involves an association of two or more individuals engaged in an unlawful commercial enterprise to illegally acquire retail merchandise, data, and other resources in substantial quantities. Professional ORC rings often steal large quantities of merchandise for purposes of illegally selling products for substantial financial gains.

The proliferation of ORC is exhibited across all sectors of the retail economy, resulting in yearly estimated losses exceeding \$30 billion.¹ Recent reports indicate that retailers have experienced notable increases in ORC including an uptick in violent and coordinated behavior.² With the rise in ORC leading to considerable merchandise loss and damages, costs may be directed back to consumers to recoup these losses. The results of ORC are therefore more than just about stolen goods: it deters consumers, impacts employee retention, exacerbates the current retail worker shortage, and leads to increased consumer costs.

Although ORC is primarily handled by state and local law enforcement under state criminal laws, the FBI has multiple avenues to provide greater assistance and resources. More specifically, DOJ prosecutes ORC claims for: 1) interstate transportation of stolen property;³ 2) conspiracy to commit an offense or defraud the United States;⁴ or 3) Hobbs Act robberies.⁵ FBI also provides highly effective tools to local agencies through multiple task forces, including the Violent Gang Safe Streets and Major Theft Task Forces. These task forces are well staffed and resourced with a balance of local and federal agents.

¹ RILA and the FBI Collaborate to Curb Organized Retail Crime, Retail Industry Leaders Association, Oct. 2021, *available at*, <https://www.rila.org/blog/2021/10/rila-fbi-collaborate-curb-organized-retail-crime>

² Organized Retail Crime and the Federal Response, Congressional Research Service, Jan. 2022, *available at*, <https://www.crs.gov/Reports/IN11840>

³ 18 U.S. Code § 2314

⁴ 18 U.S. Code § 371

⁵ 18 U.S. Code § 1951 (illegally impeding or affecting interstate commerce by committing a robbery or extortion)

As ORC continues to increase across the nation, state and local law enforcement must have appropriate access to federal resources. It is crucial that domestic and global issues associated with ORC that impact supply chain and consumer prices are appropriately addressed. Accordingly, we ask that the DOJ and FBI dedicate appropriate funding and resources to work with:

- 1) Retailers to reduce ORC by increasing FBI's involvement in ORC-related matters to reduce the burden on retail centers and consumers.; and
- 2) State and local law enforcement to better inform state and local law enforcement agencies of the existence of ORC-related task forces; and ensure that FBI provides support to local agencies when requested in a timely manner.

We are focused on reducing ORC to ensure that our communities remain safe. Expending appropriate resources and prioritizing outreach will reduce these crimes and further stimulate economic recovery across the nation.

Thank you for your consideration.

Sincerely,



Eric Swalwell
Member of Congress



Ruben Gallego
Member of Congress



Karen Bass
Member of Congress



Katie Porter
Member of Congress



Jimmy Panetta
Member of Congress



Julia Brownley
Member of Congress



Adriano Espaillat
Member of Congress



David J. Trone
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Zoe Lofgren
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Ed Case
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Mike Quigley
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Norma J. Torres
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